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Attorneys for Defendants,
 Costco Wholesale Corporation and Costco Wholesale
 Membership, Inc.

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF ARIZONA**

John Ryan,)	Case No.
)	
Plaintiff,)	NOTICE OF REMOVAL
)	
vs.)	
)	
Costco Wholesale Corporation, et al,)	
)	
Defendant.)	

Defendant Costco Wholesale Corporation ("Costco"), hereby gives Notice that it is removing this action from Maricopa County Superior Court to the United States District Court for the District of Arizona pursuant to 28 U.S.C. §§ U.S.C. 1332, 1441, and 1446 for the following reasons:

A. THIS COURT HAS DIVERSITY JURISDICTION PURSUANT TO 28 U.S.C. § 1332

The Court determines diversity jurisdiction at the time of removal. *See St. Paul Mercury Indemnity Co. v. Red Cab Co.*, 303 U.S. 283, 292 (1938). A defendant seeking removal has the burden to establish this Court's jurisdiction. *See Geographic Expeditions, Inc. v. Estate of Lhotka*, 599 F.3d 1102, 1107 (9th Cir. 2010).

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1 **1. There is Complete Diversity Among the Legitimate Parties.**

2 (a) Plaintiff John Ryan is an individual residing in the State of Florida. *See*
3 Complaint, CV2022-090614, Superior Court of Arizona, Maricopa County, ¶ 1. Plaintiff
4 thus is a citizen of Florida for purposes of 28 U.S.C. § 1332(a).

5 (b) Defendant Costco is a Washington corporation with its principal place
6 of business in Issaquah, Washington. Costco therefore is a citizen of Washington for
7 purposes of 28 U.S.C. § 1332(a).

8 (c) Defendant Costco Wholesale Membership, Inc. is a Washington
9 corporation with its principal place of business in Issaquah, Washington. Costco therefore is
10 a citizen of Washington for purposes of 28 U.S.C. § 1332(a).

11 **2. The Amount in Controversy Exceeds \$75,000.00.**

12 Plaintiff has certified that the damages sought would not require the state court to
13 assign this case to compulsory arbitration. *See* Certificate of Compulsory Arbitration,
14 CV2022-090614, Superior Court of Arizona, Maricopa County. Under the rule cited by
15 Plaintiff, Plaintiff asserts that this matter is not subject to compulsory arbitration because
16 Plaintiff seeks damages of \$50,000.00 or more. Ariz. R. Civ. P. 72. During a March 16,
17 2022 telephone conference, Plaintiff's counsel stated that Plaintiff's past medical specials
18 were approximately \$80,000.00. Plaintiff's alleged damages thus establish that the amount
19 in controversy exceeds the minimum requirement for diversity jurisdiction.

20 **3. Costco Has Met Its Burden.**

21 Based on the foregoing, complete diversity of citizenship exists and Costco has
22 established by a preponderance of the evidence that the amount in controversy exceeds
23 \$75,000.00. 28 U.S.C. § 1446(b)(2); *see also Geographic Expeditions, Inc. v. Estate of*
24 *Lhotka*, 599 F.3d 1102, 1107 (9th Cir. 2010). As such, Costco has met its burden to establish
25 jurisdiction of this Court.

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B. THIS NOTICE OF REMOVAL IS TIMELY AND COMPLIES WITH THE STATUTORY REQUIREMENTS.

A notice of removal must be filed within 30 days of the date on which the case first became removable. 28 U.S.C. § 1446(b)(3). Here, Plaintiff filed the Complaint in state court which named Costco on February 11, 2022. Plaintiff served the Complaint on Costco by personal service. Costco's statutory agent first received notice of the Complaint on February 15, 2022. This Notice of Removal therefore has been timely filed. *See* 28 U.S.C. § 1446(b)(2)(B).

Pursuant to 28 U.S.C. § 1446(d) and LRCiv 3.7(a), Costco has filed a copy of this Notice of Removal with the Superior Court of Arizona, Maricopa County and served it on Plaintiff.

Pursuant to 28 U.S.C. § 1446(a), copies of the documents filed in the state court are attached as Exhibit A.

WHEREFORE, Costco gives notice that the action pending against it in the Superior Court of Arizona, Maricopa County, has been removed to the United States District Court for the District of Arizona, Phoenix Division.

Dated: March 17, 2022

BREMER WHYTE BROWN & O'MEARA LLP

By: /s/ John Belanger

John J. Belanger, Esq.
Attorneys for Defendant
Costco Wholesale Corporation

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2022, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF Registrants, as well as e-mailed a copy as follows:

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By: /s/ DD Waldron